

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SCOTT DALE,  
Individually and on behalf of other similarly  
situated customers,

Plaintiff,

v.

WSCO PETROLEUM CORP.,

Defendant.

No. 3:24-cv-01545-JR

ORDER

**BAGGIO, District Judge:**

On March 10, 2025, Magistrate Judge Jolie Russo issued her Findings and Recommendation (“F&R”, ECF 15), recommending granting Plaintiff Scott Dale’s motion to remand to Oregon state court based on subject matter jurisdiction and denying his motion for attorneys fees. Neither party filed objections.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. §§ 636(b)(1)(B), (C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the

magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

Upon careful review of the briefing and record, the Court agrees with Judge Russo's recommendation and ADOPTS the F&R (ECF 15) in full. Plaintiff's motion to remand to Multnomah County Circuit Court (ECF 7) is GRANTED and his motion for attorney fees (ECF 7) is DENIED. The Clerk of the Court is directed to transfer this matter back to Multnomah County Circuit Court and close this case.

IT IS SO ORDERED.

DATED this 10th day of April 2025.

  
AMY M. BAGGIO  
United States District Judge